

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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| DAKOTANS FOR HEALTH,<br><br>Plaintiff,<br><br>vs.<br><br>SOUTH DAKOTA GOVERNOR KRISTI L.<br>NOEM, in her official capacity, ATTORNEY<br>GENERAL MARTY JACKLEY, in his official<br>capacity, and SOUTH DAKOTA<br>SECRETARY OF STATE MONAE L.<br>JOHNSON, in her official capacity,<br><br>Defendants. | <b>4:21-CV-04045-KES</b><br><br><b>ORDER REQUESTING BRIEFING</b> |
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Plaintiff, Dakotans for Health, asked this court for an order enforcing the judgment and permanent injunction of January 10, 2023, *see* Docket 64, against South Dakota State Representative Jon Hansen, Life Defense Fund, and Leslee Unruh. Docket 65. Because Hansen, Life Defense Fund, and Unruh are not parties to this action, plaintiff asks that the court first join them as defendants. *Id.* Having reviewed the motion and related filings in this matter, the court requests briefing from the plaintiff and from potential defendants State Representative Jon Hansen, Life Defense Fund, and Leslee Unruh on the following questions:

1. Do State Representative Jon Hansen, Life Defense Fund, and Leslee Unruh have any objection to being joined as defendants in this action as

plaintiff requests in Docket 65? If so, what is the legal basis for the objection?

2. What allegation in the complaint in *Life Defense Fund v. Dakotans for Health*, 49CIV24, (2d Cir. Minnehaha County, June 13, 2024) violates a specific provision of this court's order granting a permanent injunction? See Docket 30 (granting preliminary injunction) and Docket 64 (granting permanent injunction). Please identify both the specific allegation and the corresponding specific provision of the court order.
3. What is the effect, if any, of the fact that the requirement that petition circulators file an affidavit certifying residency does not appear in the official printed volumes of South Dakota Codified Laws or in any state regulation governing elections? See SDCL § 2-1-1.4 (stating that law was repealed); see also SDCL § 2-16-13 (defining South Dakota laws as appearing as printed in the codified volumes), SDCL § 2-16-17 (requiring Secretary of State to keep authentic record of state laws).
4. Does this court have the authority to grant an injunction that would stay state court proceedings before the state court has issued an order on the matter? If so, should the court use that authority in this case?

Thus, it is

ORDERED that the plaintiff and potential defendants State Representative Jon Hansen, Life Defense Fund, and Leslee Unruh will submit simultaneous briefs on the issues by noon, Monday, July 1, 2024.

Dated June 24, 2024.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE